

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CHARLOTTE B. COOK &
FREDERICK B. COOK,

Plaintiffs,

v.

7:09-CV-798 (ATB)

J.C. PENNEY CORPORATION, INC.

Defendant.

JUDGMENT DISMISSING ACTION BY REASON OF SETTLEMENT

The Court has been advised by the parties in the above-captioned case that the case has been settled. Counsel has also advised the Court that no infant or incompetent is a party to this action. Accordingly, pursuant to N.D.N.Y.L.R. 68.2(a), it is hereby

ORDERED, as follows:

1) The above captioned case is hereby **DISMISSED** in its entirety **without prejudice** to re-opening upon the motion of any party within sixty days of the date of the filing of this order upon a showing that the settlement was not consummated;

2) The dismissal of the above captioned case shall become **with prejudice** on the sixty-first day after the date of the filing of this order unless any party moves to re-open this case within sixty days of the date of filing of this order upon a showing that the settlement was not consummated. Upon completion of settlement, the parties are directed to file a **Stipulation of Discontinuance** with the Court that must include language "**that no party hereto is an infant or incompetent**" in compliance with N.D.N.Y.L.R. 41.3; and

3) The Clerk shall serve copies of this judgment upon counsel in this matter by electronic means.

Dated: March 29, 2012


Hon. Andrew T. Baxter
U.S. Magistrate Judge